



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,784	11/30/2000	Kevin Wigen	PA1666US	2694

22830 7590 06/15/2004

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 06/15/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,784

Applicant(s)

WIGGEN ET AL

Examiner

Tony Mahmoudi

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's Request for Continued Examination (RCE) submission filed on 05-April-2004 has been entered. In addition, the "Preliminary Amendment" filed on 05-April-2004 has been entered for the continued examination of this application.

Remarks

2. In response to communications filed on 05-April-2004, claims 1-17 have been cancelled, and new claims 18-36, of which claims 18 and 29 are in independent form, have been added per applicant's request. Therefore, claims 18-36 are presently pending in the application.

Specification

3. The specification is objected to because the arrangement of the disclosed application does not conform with 37 CFR 1.77(b).

Section headings appear underlined throughout the disclosed specification. Section headings should not be underlined. Appropriate corrections are required according to the guidelines provided below:

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boggs et al (U.S. Patent No. 6,081,812) in view of Schwartz et al (U.S. Patent No. 6,529,478.)

As to claim 18, Boggs et al teaches a method (see Abstract) of transferring data (see column 10, lines 16-18) that maintains data integrity (see column 19, lines 54-58), the method comprising:

setting metadata associated with the data (see column 18, lines 44-49);

transferring the data from a data system to a file system (see column 9, lines 27-29, see column 26, lines 35-40, and see column 31, lines 36-45);

determining whether the transfer of the data was successful (see column 19, line 54 through column 20, line 3, and see column 29, lines 5-10); and

setting the metadata to indicate the successful transfer in response to the determination that the transfer of the data was successful (see column 19, lines 61-65.)

Boggs et al does not teach the metadata to indicate initiation of a transfer of the data;

Swartz et al teaches a pass/drop apparatus (see Abstract)l in which he teaches metadata to indicate initiation of a transfer of the data (see Abstract, and see column 7, line 66 through column 8, line 47.)

Art Unit: 2175

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Boggs et al to include metadata to indicate initiation of a transfer of the data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Boggs et al by the teaching of Schwartz et al, because including metadata to indicate initiation of a transfer of the data, would enable the packet meta-data to effectively provide for output queuing of information used in making the pass/drop decision, as taught by Schwartz et al (see column 8, lines 29-47.)

As to claims 19 and 30, Boggs et al as modified, teaches further comprising transferring the data from the data system to the file system in response to the determination that the transfer of the data was unsuccessful (see Boggs et al, column 7, lines 36-56, and see column 31, line 30 through column 32, line 24.)

As to claims 20 and 23, Boggs et al as modified, teaches further comprising initiating an error handling process in response to the determination that the transfer of the data was unsuccessful (see Boggs et al, column 12, lines 15-30, and see column 31, line 30 through column 32, line 24.)

As to claims 21 and 31, Boggs et al as modified, teaches further comprising:
setting the metadata to indicate initiation of a deletion of the data (see Schwartz et al, column 8, lines 22-31);

Art Unit: 2175

deleting the data (see Schwartz et al, column 8, lines 22-27);

determining whether the deletion of the data was successful (see Schwartz et al, column 2, line 65 through column 3, line 4); and

setting the metadata to indicate the successful deletion in response to the determination that the deletion of the data was successful (see Schwartz et al, column 3, line 4-10.)

As to claims 22 and 32, Boggs et al as modified, teaches further comprising deleting the data in response to the determination that the deletion of the data was unsuccessful (see Schwartz et al, column 9, line 63 through column 10, line 19.)

As to claims 24 and 33, Boggs et al as modified, teaches further comprising:

receiving the data into the data system from an external source (see Boggs et al, figure 2, column 15, lines 10-13; and see column 19, lines 9-31);

ensuring the integrity of the data in the data system (see Boggs et al, column 19, lines 54-58.)

As to claims 25 and 34, Boggs et al as modified, teaches wherein the metadata comprises a state flag that indicate a state of the data (see Boggs et al, column 19, lines 44-46, and see column 30, lines 33-37.)

As to claims 26 and 35, Boggs et al as modified, teaches wherein the metadata comprises a state flag that indicate copies of the data (see Boggs et al, column 26, lines 22-27, see column 27, lines 14-26, and see column 30, lines 33-37.)

As to claims 27 and 36, Boggs et al as modified, teaches further comprising processing the metadata to determine where the copies of the data resides (see Schwartz et al, column 2, lines 37-55.)

As to claim 28, Boggs et al as modified, teaches further comprising using filters when transferring the data (see Boggs et al, column 15, lines 50-58, where “filters” is read on “monitoring and controlling devices”, and see column 19, line 54 through column 20, line 4.)

As to claim 29, Boggs et al teaches system (see Abstract) for transferring data (see column 10, lines 16-18) that maintains data integrity (see column 19, lines 54-58), the system comprising:

- a file system (see column 18, lines 63-66);

- a data system (see column 3, lines 9-11, and see column 18, lines 34-40) configured to transfer the data to the file system (see column 18, lines 63-66, and see column 26, lines 21-40); and

- a management system (see figure 7, and see column 4, lines 64-67) configured to set metadata associated with the data to indicate initiation of a transfer of the data, determine whether the transfer of the data was successful, and set the metadata to indicate a successful

Art Unit: 2175

transfer in response to a positive determination that the transfer of the data was successful (for the remaining steps of this claim, the applicant is kindly directed to the remarks and discussions made in claim 18 above.)

Response to Arguments

7. Applicant's arguments filed 05-April-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to methods and systems of transferring data between systems and data integrity in such transfers, in general:

Patent No.	Issued to	Cited for teaching
US 6,502,139	Birk et al.	Metadata initiation of data transfers.
US 6,732,124	Koseki et al.	Metadata initiation of data transfers and success/failure indications.


Art Unit: 2175

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

June 3, 2004


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100